



Agenda Item

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**Development of Land for Residential
Purposes at Bogend, Falkirk, FK2 8SH,
for Mrs Irene Klapwijk – P/17/0057/PPP**

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
AT BOGEND, FALKIRK, FK2 8SH, FOR MRS IRENE
KLAPWIJK - P/17/0057/PPP
Meeting: PLANNING COMMITTEE
Date: 27 June 2017
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost Tom Coleman
Councillor Billy Buchanan
Councillor David Grant

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises a detached dwellinghouse in the countryside, to the north of Kinnaird Village. This application relates to the demolition of a large garage to the front (east) of the site and the development of the land for residential purposes.
- 1.2 Planning permission in principle is sought; however the applicant has submitted an indicative site plan showing two, 2-storey detached dwellinghouses, accessed off the existing access road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it was called in by former Councillor Linda Gow, for the following reason:
- To hear from the applicant and SEPA more on SEPA's concerns. Also concerned about the current appearance of the site.

3. SITE HISTORY

- 3.1 An application for Planning Permission in Principle for the development of land for residential purposes (Ref: P/16/0345/PPP), was withdrawn on 22 July 2016.

4. CONSULTATIONS

- 4.1 The Coal Authority have no objection.

- 4.2 The Scottish Environment Protection Agency (SEPA) object on the basis that the proposed development may place buildings and persons at risk from flooding. The applicant submitted a Hydraulic Modelling Report and updated Flood Risk Assessment on 9 June. SEPA were re-consulted and they maintain their objection.
- 4.3 Scottish Water did not respond to consultation.
- 4.4 The Council's Environmental Protection Unit advise of a condition in relation to ground contamination and the undertaking of a noise impact assessment.
- 4.5 The Council's Roads Development Unit comment that the application site is on a single width rural road of restricted alignment and visibility, which lacks footway and lighting provision and note that there are no formal passing places in the vicinity of the site. The Unit advise that the introduction of pedestrian traffic, as a result of development, would not be in the best interests of road safety.
- 4.6 The Council's flood risk consultants advise that the Flood Risk Assessment does not consider flooding from all sources. The Council's consultants advise that the submission of the Hydraulic Modelling Report and updated Flood Risk Assessment do not address their concerns.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council did not make comment in relation to the application.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation were submitted to the Council.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.2 Policy CG01 'Countryside' states:-

"The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'."

7a.3 The application site is outwith the urban limit of Larbert, and is designated as countryside (CG01 'Countryside'). The relevant countryside policy to be considered is policy CG03 'Housing in the Countryside'.

7a.4 Policy CG03 'Housing in the Countryside' states:-

"Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
- 2. Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
- 3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
- 4. Appropriate infill development;*
- 5. Limited enabling development to secure the restoration of historic buildings or structures; or*
- 6. Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment."

7a.5 The proposed development does not meet any of the criteria in policy CG03. The development is not required for a rural activity and does not constitute a replacement house or a conversion of original buildings. The proposed development does not constitute infill development, enabling development or relate to a traveller site. The application is therefore contrary to policy CG03 and Supplementary Guidance SG01 'Development in the Countryside'.

7a.6 Policy D04 'Low and Zero Carbon Development' states:-

- “1. All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*

 - Proposals for change of use or conversion of buildings;*
 - Alterations and extensions to buildings;*
 - Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
 - Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
 - Temporary buildings with consent for 2 years or less; and*
 - Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
- 2. The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
- 3. Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.”*

7a.7 Planning Permission in Principle applications can be progressed on the basis of a condition requiring further details of low and zero carbon development. The application accords with policy D04 'Low and Zero Carbon Development' at this stage.

7a.8 Policy RW06 'Flooding' states:-

- “1. Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding from any source (including flooding up to and including a 0.5% (1 in 200 year) flood event), development proposals will be assessed against advice and the Flood Risk Framework in the SPP. There will be a presumption against new development which would:*

 - be likely to be at risk of flooding;*
 - increase the level of risk of flooding for existing development; or*
 - result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.*
- 2. Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:*

 - any flood risks can be adequately managed both within and outwith the site;*

- *an adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
 - *access and egress can be provided to the site which is free of flood risk; and*
 - *water resistant materials and forms of construction will be utilised where appropriate.*
3. *Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded."*

7a.9 The application site is within the functional floodplain, where there is a general presumption against development. In this instance the development would result in a larger footprint of development with a more vulnerable use (domestic), within the functional floodplain. The applicant has submitted a Hydraulic Modelling Report and Flood Risk Assessment. However, they fail to demonstrate that the site could be developed without placing buildings and persons at flood risk. The application is therefore contrary to policy RW06 'Flooding'.

7a.10 Policy D02 'Sustainable Design Principles' states:-

"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

1. *Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
2. *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
3. *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
4. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
5. *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
6. *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals.

Masterplans should be informed by a development framework or brief where relevant.

7a.11 This application relates to planning permission in principle, as such the proposal cannot be assessed in relation to design, resource use and maintenance at this stage. In relation to infrastructure, the applicant has failed to demonstrate sustainable mitigation techniques in relation to flooding, contrary to policy D02 'Sustainable Design Principles'.

7a.12 Policy D03 'Urban Design' states:-

"New development should create attractive and safe places for people to live, work and visit. Accordingly:

- 1. Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
- 2. The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
- 3. Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
- 4. Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
- 5. Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
- 6. Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
- 7. Major development proposals should make provision for public art in the design of buildings and the public realm."*

7a.13 Detailed design issues would be considered at the matters specified in condition application stage, should planning permission in principle be granted. The application as it is in principle only does not offend policy D03 'Urban Design'.

Supplementary Guidance Forming Part of Falkirk Local Development Plan

7a.14 The general strategy of the Falkirk Local Development Plan is to direct new housing development to existing villages, in order to sustain their vitality and take advantage of existing services and infrastructure. It is recognised that there are circumstances where new houses in the countryside are necessary or appropriate and it includes housing which requires a rural location, the restoration or replacement of existing rural houses, conversion of existing farm buildings, infill development, limited enabling development and traveller sites. Supplementary Guidance SG01 'Development in the Countryside' gives detailed advice for each of the criteria contained in policy CG03.

7a.15 The proposed development does not accord with any of the criteria contained in policy CG03 and does not accord with the guidance contained in SG01 'Development in the Countryside'.

7a.16 Accordingly, the application is contrary to the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the information submitted in support of the application and the consultation responses received.

Information Submitted in Support of the Proposal

7b.2 The applicant has submitted a Supporting Statement with the planning application. The reasons for the proposed development are given as follows:

- The garages are no longer required (due to personal circumstances);
- The original farmhouse will remain;
- The site is too large for one house and the existing outbuildings will fall into disrepair;
- There is a demand for countryside housing; and
- The development is only 4 miles from the nearest centre with local facilities.

7b.3 The Supporting Statement also gives a description of the design of the proposed development, reasoning for the proposal and a description of the vehicular access.

7b.4 The points made in the Supporting Statement are noted. However, none outweigh the terms of the Local Development Plan and none provide justification for the proposed development.

Consultation Responses

7b.5 The application falls below the threshold where open space, education or other contributions would be required. The application also falls below the threshold for affordable housing requirements.

7b.6 The Roads Development Unit raise concerns in relation to road safety. The comments relate to the quality of the rural road, its width, restricted alignment, poor visibility and the lack of footway and lighting provision. The Unit also comment that there are no passing places in the vicinity of the application site. The comments made in relation to the access road, are typical of rural roads in the Falkirk Council area. It is also noted that a limousine hire business historically operated from the site. The Unit advise that planning permission should only be granted if the principle of residential development can be established and on this basis it is considered that road safety concerns, on their own, do not warrant refusal of the application.

7b.7 A Flood Risk Assessment was submitted with the application, but the applicant's submission fails to demonstrate that the site could be developed without placing buildings or persons at flood risk.

7b.8 SEPA object to the application. They comment that the application site is within the functional floodplain and the development of the site for residential use does not accord with Scottish Planning Policy. SEPA advise that, due to the surrounding flat topography and multiple water crossings, flood risk may be underestimated in the submitted Flood Risk Assessment. SEPA also note that the development would not achieve a flood free access and the development would result in a clear increase in land-use vulnerability within the functional floodplain. SEPA recommend that any proposals for the site are limited to uses of a similar or less vulnerability than the current/most recent land use (as storage and garage for a limousine business).

- 7b.9 On 9 June 2017, the applicant submitted a Hydraulic Modelling Report and updated Flood Risk Assessment. SEPA were re-consulted and maintain their objection on the basis that the proposed development may place buildings and persons at flood risk. The submitted information demonstrates that safe, flood free access cannot be provided. The proposed development is contrary to Scottish Planning Policy and SEPA's position is unlikely to change.
- 7b.10 The Council's flood risk consultants were consulted and they advise that the additional information does not address or acknowledge SEPA's objection. Flood free access and egress cannot be provided and could not be mitigated as a result of the scale of development.
- 7b.11 Should the Planning Committee be minded to grant planning permission, the application would require to be referred to Scottish Ministers as SEPA have objected. This is a requirement under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. The Direction allows Scottish Ministers to call in and determine the application, taking the matter out of the Council's hands.

7c Conclusion

- 7c.1 The application represents an unacceptable form of development and is assessed as being contrary to the Falkirk Local Development Plan. The consultation responses are assessed and addressed in the main body of this report. There are no material planning considerations that would justify the granting of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee refuse Planning Permission for the following:-**

Reason(s):-

- 1) The proposed development represents unjustified development in the countryside as it has not been demonstrated that a countryside location is essential or the development meets any of the criteria for appropriate countryside development, contrary to policies CG01 'Countryside' and CG03 'Housing in the Countryside' and Supplementary Guidance SG01 'Development in the Countryside' of the Falkirk Local Development Plan.**
- 2) The application site is on land identified as being at risk from flooding. The applicant has failed to demonstrate that the site can be effectively developed and flood risk managed, contrary to policies D02 'Sustainable Design Principles' and Policy RW06 'Flooding' of the Falkirk Local Development Plan.**

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 03 and Supporting Documents.

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pp Director of Development Services

Date: 16 June 2017

LIST OF BACKGROUND PAPERS

- 1) The Falkirk Local Development Plan.

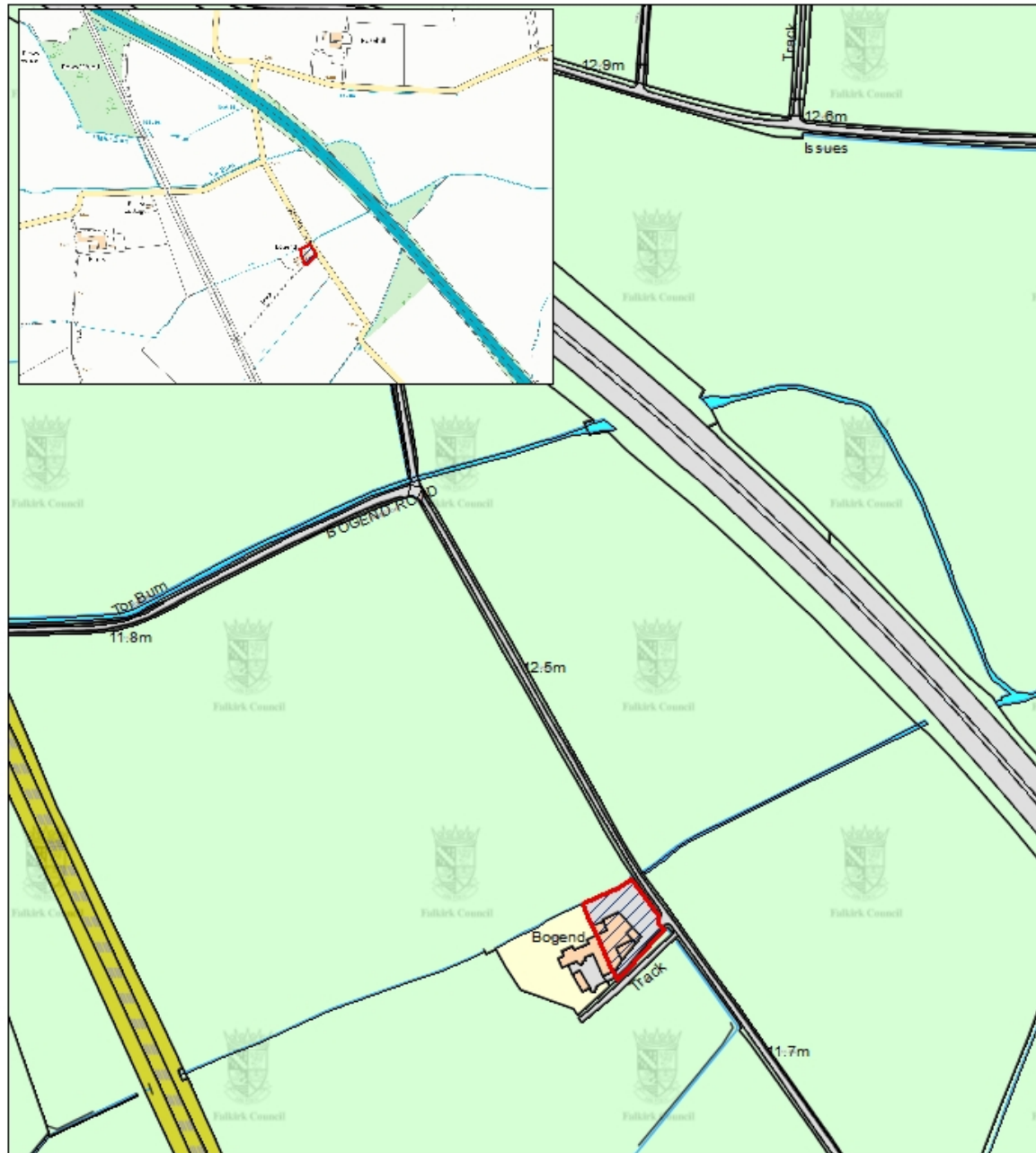
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0057/PPP

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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